

GOVERNMENT OF BOMBAY,
POLITICAL AND SERVICES DEPARTMENT.
CIRCULAR NO. CDR-1157-D
Sachivalaya, Bombay, 20th January 1958.

CIRCULAR OF GOVERNMENT

The question regarding the feasibility of terminating the services of temporary Government servants without a departmental enquiry has been re-examined by Government in the light of certain decisions of the Supreme Court and Government is advised that the correct position is as follows:-

- (i) Temporary Government servants, who have not been appointed for a definite period; may be discharged from service by giving one month's notice, irrespective of whether such Government servants have or have not signed the undertaking prescribed by Government Circular Memorandum Political and Services department, No. 1581/34, dated the 9th August 1947;
- (ii) In such cases, the order of discharge should not mention any reason for the discharge, beyond stating that the services of the persons concerned are not required; and
- (iii) Even a purely temporary Government servant cannot be punished with dismissal, removal or reduction without following the proper procedure laid down for departmental enquiries.

All the Departments of the Secretariat and Heads of Department and Offices are, therefore, advised that whenever they propose to terminate the services of any temporary Government servants because of any act of misconduct or on the ground of their unsuitability, they should merely terminate the services of the persons concerned by giving them a month's notice, without charge-sheeting them or mentioning in the order any reason for the discharge, unless the misconduct is of a serious nature and it is considered that in the interest of public service, the persons should be dismissed from service, so as to bar their re-employment. In the latter case, steps should be taken to dismiss the persons concerned after holding a regular departmental enquiry according to the prescribed procedure.

2. The instructions contained in Government Circular, Political and Services Department, No. CDR.1156, dated the 11th August 1956, should be treated as cancelled.

3. The Heads of departments should pay special attention to cases relating to termination of services of temporary Government servants. They should also see that the instructions in paragraph 1 above are brought to the notice of all

officers subordinate to them and that the latter follow them scrupulously.

By order and in the name of the Governor of Bombay,

M.D. BHANSALI,
Chief Secretary to the Government of Bombay,
Political and Services Department.

To

The Secretary to the Governor,
The Private Secretary to the Chief Minister,
The Secretary, Bombay Public Service Commission
The Prothonotary and senior Master, High Court, Bombay,
(By letter),
The Registrar, High court, Appellate side, Bombay,
(By letter)
All other Heads of Departments and Heads of Offices
the several Departments of the Secretariat,
All Departments of the secretariat,

No. of 1968.

Copy forwarded for information and guidance to.